

Receipt Number

546733

18

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

TIMOTHY C. DARNELL

Plaintiff,

-vs-

Case: 2:06-cv-13645

Assigned To: Friedman, Bernard A

Referral Judge: Majzoub, Mona K

Filed: 08-15-2006 At 03:33 PM

CMP DARNELL VS SHERMETA (LE)

SHERMETA, ADAMS & VON ALLMEN, P.C.

Defendant.

LAW OFFICES OF BRIAN P. PARKER, P.C.

BRIAN P. PARKER (P 48617)

Attorney for Plaintiff

30700 Telegraph Rd., Suite 1580

Bingham Farms, MI 48025

(248) 642-6268

(248) 642-8875 (FAX)

lemonlaw@ameritech.net

COMPLAINT AND DEMAND FOR JURY

Plaintiff TIMOTHY C. DARNELL (Plaintiff) by and through

Counsel, brings this action against Defendants, SHERMETA, ADAMS &

VON ALLMEN, P.C. ("Defendant") and on the grounds and in the

amounts set forth herein:

I. PRELIMINARY STATEMENT

Plaintiff brings this action for damages based upon the Defendant's violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, and seeks actual damages, punitive damages, costs and attorney's fees.

II. PARTIES

1.

Plaintiff is a natural person and consumer, a resident of Redford, Wayne County, Michigan, and a "consumer" as defined by 15 U.S.C. § 1692a(3) of the FDCPA.

2.

Defendant is a Michigan corporation and a debt collector law firm collecting a debt in its pursuit of Plaintiff.

3.

Defendant is a debt collector and meets the terms of a "debt collector" who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another. 15 U.S.C. § 1692a(6).

4.

Defendants are engaged in the collection of debts from

consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due another and are a "debt collector" as provided in 15 U.S.C. §1692a(6).

III. JURISDICTION AND VENUE

5.

This court has subject matter jurisdiction over this Complaint pursuant to the FDCAP, 15 U.S.C. § 1692 *et seq.*

6.

Venue is proper in the Eastern District-Southern Division of Michigan 15 U.S.C. § 1692k(d).

IV. STATUTORY STRUCTURE

FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

7.

The FDCPA was passed to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses. 15 U.S.C. § 1692.

8.

Under the FDCPA, a "consumer" is any natural person obligated or allegedly obligated to pay any debt. 15 U.S.C. §1692a(3) including a spouse, 15 U.S.C. §1692c(d).

9.

Under the FDCPA, "debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. 15 U.S.C. § 1692a(5).

10.

Under the FDCPA, a "debt collector" is any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another. 15 U.S.C. § 1692a(6).

11.

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. 15 U.S.C. § 1692e.

12.

In its initial phone contacts and subsequent contacts with Plaintiff, the Defendants must give any notice of Plaintiff's validation rights under 15 U.S.C. § 1692g(a) or 15 U.S.C. § 1692e(11) or notify him five days later of his rights to dispute or validate the debt during any of the contacts of Plaintiff.

13.

Any debt collector who fails to comply with the provisions of the FDCPA is liable for any actual damages sustained, statutory damages up to \$1,000.00, attorneys' fees as determined by the Court and costs of this action. 15 U.S.C. § 1692k.

V. FACTUAL ALLEGATIONS

14.

In October of 2005, Plaintiff settled a debt with Northstar Location Services, LLC regarding a Chrysler Financial, Gold Key Lease. **Please see Exhibit 1.**

15.

In July of 2006, Defendant, on behalf of Gold Key Lease Inc, started to call and write to Plaintiff in collection of the same debt Plaintiff had already resolved. **Please see Exhibit 2.**

16.

Defendant made calls to Plaintiff that were made in a harassing, abusive tone and the callers for Defendant would not listen when Plaintiff explained that he had already paid the debt off.

17.

On July 20, 2006, Plaintiff wrote to Defendant explaining the situation and providing them the settlement letter. **Please see Exhibit 3.**

18.

On July 25, 2006, Defendant responded to Plaintiff's letter by filing a Request for Writ of Garnishment. **Please see Exhibit 4.** Plaintiff was not aware that he had been sued on the debt. Plaintiff filed his Objection to Garnishment and Notice of Hearing. **Please see Exhibit 5.**

19.

Defendant filed an Objection to the Objection to Garnishment and stated in its brief that there is no evidence of any settlement and that the court should ignore the Objection to Garnishment. Plaintiff sent Defendant a letter from Defendant's own client stating that the "account was settled in full and your obligation with Chrysler Financial has been satisfied." **Please see Exhibit 6.**

20.

Defendant still refused to listen to Plaintiff and forced the parties to show up for a hearing on August 14, 2006 at the 21st District Court, case # 99-460-GC. At court, Defendant attorney pulled Plaintiff aside and asked to adjourn the matter until they could look over the paperwork again. Plaintiff refused as he had done everything he could to resolve this and wanted the court to rule. Whereupon, Defendant agreed the Judgement had been paid and agreed to release the Garnishment.

21.

As a result of the Defendants' wrongful conduct, Plaintiff has suffered statutory and actual damages and also seeks his attorney fees and costs under the FDCPA.

VI. CAUSES OF ACTION

CLAIM AGAINST DEFENDANTS

22.

Defendant has violated the FDCPA, 15 U.S.C. § 1692d(5) by seeking an improper garnishment and execution on a debt Plaintiff does not owe.

23.

Defendant has violated the FDCPA, 15 U.S.C. § 1692e (10) by the use of false representations and deceptive means in its lawsuit and contact with Plaintiff and the 21st District Court, by failing to relinquish the garnishment and judgement on a debt that it had evidence it's own client had settled.

24.

Defendant has violated the FDCPA, 15 U.S.C. § 1692f(1) by attempting to collect a grossly inflated sum not founded upon any lawful instrument of indebtedness or authorization to sue Plaintiff on.

25.

Defendant has violated the FDCPA, 15 U.S.C. § 1692e(2)(A) with the false representation of the character, amount and legal

status of the debt by increasing an amount of the debt already in dispute and not based on any agreement between the creditor and the Plaintiff.

26.

Defendant has violated the FDCPA, 15 U.S.C. § 1692e (10) by the use of false representations and deceptive means in its initial contact with Plaintiff, and by failing to alert Plaintiff that the debt collector is attempting to collect a debt and that any statements he makes will be used for that purpose under 15 U.S.C. § 1692e (11).

27.

Defendant has engaged in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of this debt that Plaintiff did not owe in violation of 15 U.S.C. § 1692d.

28.

As a result of the actions of Defendants, Plaintiff hired the undersigned counsel. Counsel has been an attorney in good standing for almost 13 years and has handled thousands of consumer cases, personally. Counsel is known in his field as a consumer advocate and

a competent, experienced consumer trial attorney. As a result, counsel's time is billed at the reasonable rate of \$300.00 an hour.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court grant the following relief as against the Defendant:

1. For compensatory damages;
2. For statutory damages;
3. For Punitive damages;
4. For Attorney's fees and costs incurred in this action; and
5. For such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMAND

Plaintiff demands a Trial by Jury on all Issues.

This 14th of August, 2006.

Respectfully submitted,

THE LAW OFFICES OF BRIAN P. PARKER



BRIAN P. PARKER (P 48617)
Attorney for Plaintiff

95 John Muir Drive, Suite 100
Amherst, NY 14228-1144

**NORTHSTAR
LOCATION SERVICES, LLC**

RETURN SERVICE REQUESTED

1-866-224-9824
Hours Mon-Fri 8AM-10PM EST,
Sat 8AM-12PM EST

Timothy C Darnell
9559 Garfield
Redford MI 48239

Re: **Chrysler Financial**
Client Ref #: **[REDACTED]**
Date: **10/07/05**
Balance: **\$2,100.69**
Settlement Due: **\$1,050.34**

This letter serves as confirmation that, as the duly authorized representative for Chrysler Financial, we have agreed to accept less than the full balance due as settlement on the above mentioned account. The settlement as offered shall be in the total amount of \$1,050.34 with the first payment of \$525.17 due in our office by 10/07/05, and the final payment of \$525.17 due in our office on 10/15/05.

If you have any questions regarding the above account, please contact our office at 1-866-224-9824. Please be advised that if this item does not clear through your bank, this settlement offer will be considered null and void.

Federal law requires that we inform you this communication is from a professional debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Our client, Chrysler Financial may provide information to credit bureaus about an insolvency, delinquency, late payment, or default in your account to include your credit report.

To ensure proper credit, return this portion with your payment

Timothy C Darnell
9559 Garfield
Redford MI 48239

Re: **Chrysler Financial**
Client Ref #: **[REDACTED]**
Date: **10/07/05**
Balance: **\$2,100.69**
Settlement Due: **\$1,050.34**

Amount Remitted: _____

Northstar Location Services, LLC
Attn: Financial Services Dept.
95 John Muir Drive, Suite 100
Amherst, NY 14228-1144

SHERMETA, ADAMS & VON ALLMEN, P.C.

ATTORNEYS AND COUNSELORS AT LAW
445 South Livernois Road, Suite 333
P.O. Box 5016
Rochester Hills, MI 48308-5016
(248) 652-8200
FAX (248) 652-1292

Exhibit #2

JULY 13, 2006

TIMOTHY C. DARNELL
9559 GARFIELD
REDFORD, MI 48239

RE: ~~GOLD KEY LEASE, INC.~~

Account Number: [REDACTED]
Our file Number: 179514

Dear TIMOTHY C. DARNELL:

We have recently reviewed your account on behalf of our client, GOLD KEY LEASE, INC. As of today's date, the balance on this account is \$3,905.32.

Please contact the Recovery Department at 248-652-3278 to discuss payment arrangements. If you are calling long distance within Michigan, the number is 1-800-451-7992 or if you are calling out of state, the number is 1-800-223-5685.

Sincerely,
SHERMETA, ADAMS & VON ALLMEN, P.C.

~~RECOVERY DEPARTMENT~~

BN/179514-001

NOTICE: THIS COMMUNICATION IS FROM A DEBT COLLECTOR
ATTEMPTING TO COLLECT A DEBT.

Exhibit #3

FINANCIAL SERVICES

9559 Garfield

Redford, MI 48239

July 20, 2006

To whom it may concern;

I received you're letter the other day in the mail at which time I contacted you're office in regards to this matter. Enclosed is a letter from the collection agency that I have made arrangements with to settle this account. I have satisfied my obligation per the agreement I made with said collection agency. I tried to settle this with the person in your office over the phone but he became combative and as much as called me a liar when I tried to explain the situation to him. If you need any more information concerning this matter please contact the collection agency that handled this. If your office contacts me again I'll consider that harassment and I'll be forced to have my attorney handle it.

Sincerely
Timothy Damell

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

REQUEST AND WRIT FOR GARNISHMENT
(PERIODIC)

CASE NO.
Exhibit #4
3

Court address Zip code Court telephone no.

Plaintiff name and address (judgment creditor)

Plaintiff's attorney, bar no., and address

Telephone no.

Defendant name and address (judgment debtor)

Social security no. Employee ID or account no.

Garnishee name and address

REQUEST

1. Plaintiff received judgment against defendant for \$ 7,200.00 on 1/13/06
2. The amount of the unsatisfied judgment now due (including interest and costs) is •\$ 7,200.00
3. Plaintiff knows or with good reason believes that the garnishee is indebted or obligated to the defendant for periodic payments.
4. Plaintiff requests a writ of periodic garnishment.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date 8/15/06 Plaintiff/Agent/Attorney signature [Signature]

WRIT OF GARNISHMENT

To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ, and a \$6.00 disclosure fee for serving on the garnishee. You are responsible for having these documents served on the garnishee within 91 days.

TO THE DEFENDANT:

1. You have 14 days after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, periodic payments due to you may be withheld for as long as 91 days after this writ is issued and paid directly to the plaintiff.

TO THE GARNISHEE:

1. Within 7 days after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last known address by first class mail.
2. Within 14 days after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
3. Do not pay any obligations to the defendant unless allowed by statute or court rule.
4. If indebted, withholding must begin according to court rule (see instructions on the Garnishee Disclosure form). Unless notified that an objection has been filed, 28 days after you are served with this writ you must begin forwarding withheld payments.

You are ordered to make all payments withheld under this writ payable to:
☐ the plaintiff ☐ the plaintiff's attorney
and mail them to: ☐ the plaintiff ☐ the plaintiff's attorney

5. This periodic garnishment is effective until: a) the amount withheld equals the amount of the unpaid judgment as stated in item 2. of the request; b) the expiration of 91 days after the issue date of this writ; or c) the amount withheld exceeds the remaining unpaid judgment as stated in item 2. of the request.
6. Within 14 days after this writ expires, you must file a final statement of the total amount paid on this writ.

A TRUE COPY

Date of issue 8/15/06 Expiration date 10/14/06 Clerk of the court/Deputy [Signature] DEPUTY CLERK

Original - Court
1st copy - Plaintiff
2nd copy - Defendant
3rd copy - Garnishee

Approved, SCAO

STATE OF MICHIGAN
21st JUDICIAL DISTRICT
JUDICIAL CIRCUIT

OBJECTIONS TO GARNISHMENT
AND NOTICE OF HEARING

CASE NO.

94606C

Court address

6000 Middlebelt Road, Garden City, MI 48135

Court telephone no.

734-793-1680

Plaintiff's name and address

GOLD KEY LEASE INC.
JACKSONVILLE, FL 32244

Defendant's name, address, soc. sec. no. or employee ID no.

Timothy C. Darnall
4554 GAZTARD
ROBERTO MI 48209
SSN [REDACTED]

Plaintiff's attorney, bar no., address, and telephone no.

Sharon A. Janczowski, P.C.
By: Ricia N. McKinnon, CPG
P.O. Box 5014 Rochester MI
(247) 632-7200 48305

Garnishee's name and address

OKELLER TOOL
ATTN: PAYROLL
12701 INKSTAR
Livonia MI 48150

OBJECTIONS TO GARNISHMENT

I object to the garnishment issued on 7-25-04 and request a hearing on this objection because:
Date

- ☐ a. the funds or property are exempt from garnishment by law.
☐ b. garnishment is precluded by the pendency of bankruptcy proceedings.
☐ c. garnishment is barred by an installment payment order.
☐ d. garnishment is precluded because the maximum amount permitted by law is being withheld under a higher priority order.
☒ e. the judgment has been paid.
☐ f. the garnishment was not properly issued or otherwise invalid.

I was served with a copy of the writ on 8-1-04
Date

8-2-04
Date

Timothy C. Darnall
Signature of defendant

NOTICE OF HEARING ON OBJECTIONS

1. On 8/3/06 the defendant filed objections to the writ of garnishment dated 7/25/06
Date
2. A hearing is scheduled on Tuesday, 8/14/06 at 9:00 a.m. at [REDACTED]
Date Time Location
above address before Hon. Richard Hallett
Judge

3. The defendant and plaintiff are required to appear.
4. The garnishee ☐ is ☒ is not required to appear.
5. ☒ a. Objections were filed within 14 days of the defendant being served with the writ. The garnishee shall continue to withhold funds but shall not release withheld funds until further order of the court.
☐ b. Objections were filed 14 days or more after the defendant was served with the writ. The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

8-3-06
Date

Deanna W.
Deputy court clerk A TRUE COPY

CERTIFICATE OF MAILING

I certify that on this date I mailed copy of this notice to the plaintiff, garnishee, and defendant at the addresses stated above.

8/3/06
Date

1-800-554-8542

Deanna W.
Signature

DEFENDANT

DEPUTY CLERK

Exhibit #6

DAIMLERCHRYSLER

08/10/2006

TIMOTHY C DARNELL

RE: Acct: # [REDACTED]

Dear Customer(s):

This letter shall serve as evidence that the above referenced account was settled in full and your obligation with Chrysler Financial has been satisfied.

Thank you,

Jennifer Coleman
Recovery Specialist
(800) 388-4275 ext 2807

Chrysler Financial is a Company of the DaimlerChrysler Financial Services Group

Chrysler Financial
CJMS 785-03-78
P.O. Box 551080
Jacksonville, FL 32255

provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required by the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Timothy C. Darnell

(b) County of Residence of First Listed: Wayne

(c) Attorneys (Name, Address and Telephone Number)

Brian P. Parker (P48617)
30700 Telegraph Road, Suite 1580
Bingham Farms, MI 48025
(248) 642-6268

DEFENDANTS

Shermeta, Adams & Von Allmen, P.C.

County of Residence of First Listed Oakland

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

Case: 2:06-cv-13645
Assigned To: Friedman, Bernard A
Referral Judge: Majzoub, Mona K
Filed: 08-15-2006 At 03:33 PM
CMP DARNELL VS SHERMETA (LE)

PLA DEF
4 ☐
5 ☐
6 ☐

Foreign Country

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 780 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$ DEMAND

\$25,000 +

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8-15-06

X

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes: _____